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On 24 June 2023, the 11th Scientific Seminar of doctors and doctoral students of the Department of Civil Procedure of the John Paul II Catholic University of Lublin (KUL) took place at the University of Vienna. This event, which constitutes part of our tradition of annual scientific seminars organised as part of the activities of the KUL Department of Civil Procedure, was for the first time a scientific undertaking, planned and implemented abroad, in cooperation with the largest and oldest university of the German-speaking countries. The objective of this scientific meeting was to present the participants' observations on current legal issues related to the application of the provisions of civil procedural law and to conduct discussions, the background of which were the presented speeches. What gave the seminar its practical value was the participation of people who, apart from developing their scientific interests, deal with the application of law in practice on a daily basis as part of their work and professions, i.e. court referendaries, barristers and solicitors. The seminar was chaired by Prof. Joanna Misztal-Konecka – Head of the KUL Department of Civil Procedure, who also inaugurated it.

The seminar, divided into two sessions, was attended by eight speakers. Each of the sessions was concluded with a discussion on the theses of the speeches presented during them. The first paper, entitled "Doręczenia w procedurze cywilnej po nowelizacji" ["Service in civil procedure after the amendment"] was delivered by Dr. Paulina Woś. The subject of the presentation was a comparison of the procedure of service of correspondence by the court on a natural person conducting business activity against the background of the provisions in force on the basis of the 2019 amendment to the Code of Civil Procedure and the envisaged changes with regard to service that the legislator introduced on the basis of the wording of

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the provisions of the Act of 9 March 2023 amending the Act – the Code of Civil Procedure and certain other acts.

Next, the floor was taken by Dr. Paweł Wrzaszcz, whose paper was entitled "Skutki dla istniejących służebności gruntowych podziału i połączenia się nieruchomości w jednej księdze wieczystej – rozważania na tle uchwały Sądu Najwyższego z dnia 13 stycznia 2022 r. (sygn. akt III CZP 14/22)" ["Effects on the existing easements of the division and merger of real estate in one land and mortgage register – considerations against the background of the resolution of the Supreme Court of 13 January 2022 (reference number III CZP 14/22)"]. The presentation concerned the conditions under which the property was divided and then merged with another property, or the merger of the property with another property in the land and mortgage register into which the property was entered. The speaker presented the thesis that decisions regarding the possibility for the land and mortgage register court to initiate ex officio proceedings for the transfer of easement to joint encumberment should be justified in the context of a different understanding of the concept of 'real estate' in the provisions of the Civil Code, in relation to what is considered real estate within the meaning of the land and mortgage register.

The third paper entitled "Dopuszczalność orzekania o wynagrodzeniu pełnomocnika ustanowionego z urzędu w razie śmierci w toku postępowania strony przez niego reprezentowanej" ["The admissibility of ruling on the remuneration of a proxy appointed ex officio in the event of death of the party represented by them in the course of the proceedings"] was delivered by Katarzyna Woch, M.A. The author pointed out that the Code of Civil Procedure does not contain specific regulations regarding the demand for ex officio remuneration of a proxy in the event of death of the party represented by them during the proceedings, which does not mean, however, that this remuneration should be granted and paid from the State Treasury automatically upon submitting the relevant application. The speaker concluded by claiming that the decision on the application for legal fees granted to a party ex officio should not take place earlier than in the decision terminating the proceedings in that instance.

The next and last speech in the first session, entitled "Ocena polskich rozwiązań w zakresie implementacji dyrektywy Parlamentu Europejskiego i Rady (UE) 2019/2121 z dnia 27 listopada 2019 r. zmieniającej dyrektywę (UE) 2017/1132 w odniesieniu do transgranicznego przekształcania, łączenia i podziału spółek" ["Assessment of Polish solutions in the field of implementation of Directive (EU) 2019/2121 of the European Parliament and of the Council of 27 November 2019 amending Directive (EU) 2017/1132 as regards cross-border conversions, mergers and divisions"], was delivered by Dr. Emil Kowalik, participating in the meeting

by means of distance communication. The subject of the author's considerations was the analysis of the impact of the indicated implementation on the conduct of companies' activities on the EU internal market, by striving to introduce a uniform legal framework for cross-border conversions and divisions, changes regarding cross-border mergers, as well as implementation of digital tools, such as, for example, the system of interconnection of registers.

The second session began with a speech by Anna Haciuk, M.A., entitled "Postępowanie zabezpieczające w świetle nowelizacji K.p.c. z 9 marca 2023 r." ["Proceedings to secure claims in the light of the amendment to the Code of Civil Procedure of 9 March 2023"]. The author discussed issues related to the change in the provisions regarding the appeal against the injunction decision and regarding the securing of claims in matters related to intellectual property law, including issues connected with the likelihood of annulment of the exclusive right in other pending proceedings and the impact of this circumstance on the court's assessment regarding the substantiation of the application for injunction, related to the change in the formal conditions of the application for injunction, related to the change in the deadline by which the application for injunction should be submitted and related to the introduction of the obligation to hear the person obliged to make a decision on the application for injunction in matters of broadly understood intellectual property.

The next paper, entitled "O wymogu wyodrębniania oświadczeń, twierdzeń oraz wniosków w pismach procesowych w postępowaniu cywilnym" ["On the requirement to separate statements, assertions and applications in pleadings in civil proceedings"], was presented by Dominika Wójcik, M.A. The speaker presented the requirements that resulted from the introduction, by the Act of 9 March 2023 amending the Act – Code of Civil Procedure and certain other acts, of Article 1281 of the Code of Civil Procedure, as well as the effects of failure to comply with the first sentence of the aforementioned provision imposing on professional attorneys the obligation to clearly separate statements, assertions and applications, including applications for evidence, in their pleadings. The presentation ended with an assessment of the new legal regulation, also made against the background of the hitherto existing legal solutions regarding the omission of evidence by the court.

The last of the papers presented in the second session of the scientific seminar was delivered by Katarzyna Kajmowicz, M.A., who addressed the issue of the "Essence of 'novelty' within the meaning of art. 381 of the Code of Civil Procedure". The author began her paper by defining the concept of 'novelty' and analysing the concept of "new facts and evidence" within the meaning of this provision. The conclusions of the presentation boiled down to presenting the thesis that the scope of

the concept of "new facts and evidence" may vary. Firstly, this concept may include such facts and evidence that are new in relation to the procedural material collected by the court of first instance. Secondly, only those facts and evidence which were not included in the procedural material of the court of first instance fall within the scope of the new facts and evidence, since they could not have been relied on during the proceedings before that court.

After a discussion of the papers presented during the second session of the scientific seminar, the chairwoman of the seminar, Prof. Dr. habil. Joanna Misztal-Konecka, took the floor, answering the question "What impact will the finding that the death of the party occurred before a decision was issued by the court of first instance have on the course of the appellate proceedings, if it was only made during them?". The answer to this question was preceded by an analysis of the validity of the three decisions that can be taken by the appellate court in the presented procedural situation. These are, first, returning the case to the court of first instance in order to suspend the proceedings and determine the heirs, and then to quash the judgment on its own, second, suspending the proceedings before the court of first instance and then returning the case to the court of first instance in order to determine the heirs and quashing the appealed judgment on its own, and, third, suspending the proceedings, determining the heirs of the deceased party, initiating the proceedings and quashing the judgment and referring the case to the court of first instance. Stating the correctness of the last of the presented possibilities, Prof. Dr. habil. Joanna Misztal-Konecka explained that the court of first instance is not competent to quash the decision ending the case in this instance, due to the loss of competence to decide on the case and the binding nature of the content of the decision issued in that instance. Therefore, the choice of one of the appeals court's procedural decisions is determined by the scope of the courts' competence.

The speech of Prof. Dr. habil. Joanna Misztal-Konecka was followed by a summary and conclusion of the scientific seminar. Once again, the 11th Scientific Seminar of the KUL Department of Civil Procedure was a great opportunity for its participants to share their observations – not only on the theoretical approach to the provisions of civil procedural law, but above all on the application of these provisions in practice. The participants of the described event agreed that the formula of organising seminars in cooperation with foreign universities would not only support the tradition of annual scientific meetings organised as part of the operation of the KUL Department of Civil Procedure, but would also provide an opportunity to acquire experience related to the opportunity to learn about the functioning of universities of the same level of education, located outside the country in which the *alma mater* bringing together the seminar participants operates.